

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2009 - 445- C**

IN RE: Petition of the Office of Regulatory Staff	)	
for Commission to Order a Rule to Show	)	PETITION OF THE OFFICE OF
Cause as to Why The Certificates of Public	)	REGULATORY STAFF FOR A RULE
Convenience and Necessity for Certain	)	TO SHOW CAUSE AS TO WHY
Providers of Telecommunications Services	)	CERTIFICATES OF PUBLIC
Should Not be Revoked for failure to file	)	CONVENIENCE AND NECESSITY
USF Reports	)	SHOULD NOT BE REVOKED

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission that:

1. The Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. §58-9-10 et seq. (Supp. 2008).
2. The South Carolina Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. (Supp. 2008).
3. The Telecommunications Companies ("Telephone Companies") listed in Exhibit A are certificated "telephone utilities" as defined in S.C. Code Ann. §58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of

intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.

4. The Telecommunications Companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-9-710 et seq. (1976 & Supp. 2008). Further, these Telecommunications Companies have submitted themselves to the jurisdiction of the Commission by their holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A.

5. The Telecommunications Companies listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. §58-9-280(B)(1) (Supp. 2008).

6. ORS has the responsibility to ensure that telephone utilities are filing certain reports. "Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require and special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or to keep itself informed or which it is required to enforce." S.C. Code Ann. § 58-9-370(A) (Supp. 2008).

7. The Universal Service Fund ("USF") is administered by the ORS under orders and guidelines adopted by the Commission. S.C. Code Ann. § 58-9-280(E) (Supp. 2008).

8. The Commission USF guidelines approved in Order No. 2001-996, requires each carrier to file on an annual basis the information necessary to allow ORS to calculate the carrier's contribution. The annual filing referred to as the Universal Service Fund Contribution Worksheet ("USF Report").

9. The Telecommunications Companies listed in Exhibit A have failed to file annual USF Reports for the year ending 2008.

10. Pursuant to 26 S.C. Code Regs 103-830.B.1, “if a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Chief Clerk shall cause a copy of the petition to be mailed to such named person within 14 days of the filing of the petition.” In order to assist the Commission in serving this Petition on the Respondents, the Office of Regulatory Staff has provided information in Exhibit A as to the status of each Telecommunications Company and whether the entity is a foreign or domestic business entity. S.C. Code Ann. §§ 15-9-210, 240, 245 (1976), set forth the procedures for serving foreign and domestic business entities.

11. The information for the business entities listed in Exhibit A accurately reflects the information on file with the South Carolina Secretary of State. See Exhibit B, Affidavit of Thomas H. Allen.

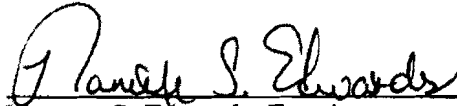
12. “Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.” S.C. Code Ann. § 58-9-390 (Supp. 2008).

13. Pursuant to S.C. Code Ann. §58-9-1120 (Supp. 2008), “the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties

conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities.”

**WHEREFORE**, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Exhibit A.
2. For the persons and business entities listed in Exhibit A, pursuant to 26 S.C. Code Regs. 103-830.B.1, cause a copy of this petition to be served upon such named respondents or other proper person or entity within 14 days of the filing of the petition.
3. Require the parties to submit an Answer to this Petition within the deadlines prescribed by the Commission’s rules and regulations.
4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to S.C. Code Ann. §58-9-820 (Supp. 2008).
5. Pursuant to 26 S.C. Code Regs 103-846.C, take judicial notice of the Commission’s records in that the required USF Reports for the year ending 2008 have not been filed for the Telecommunications Companies listed in Exhibit A.
6. Find that the Telecommunication Companies listed in Exhibit A have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.
7. Enter a final order canceling the Certificates of Public Convenience and Necessity held by the carriers listed in Exhibit A.
8. For other appropriate action which the Commission may deem necessary.



Nanette S. Edwards, Esquire

**South Carolina Office of Regulatory Staff**

1401 Main Street, Suite 900

Columbia, South Carolina 29201

Phone: (803) 737-0575

Fax: (803) 737-0895

Email: [nsedwar@regstaff.sc.gov](mailto:nsedwar@regstaff.sc.gov)

October 21, 2009

Columbia, South Carolina

**OUT OF COMPLIANCE RTSC  
DOCKET #2009- -C**

**EXHIBIT A**

#	OrganizationName	Registered Agent	Secretary of State status	Foreign or Domestic	Docket #	Order #	Date Certificate Issued
1	Genesis Telecommunications Company, LLC Ken Jefferson - President PO Box 675 Greenwood SC 29648	John Lawrence 1117 Reynolds Ave Greenwood SC 29646	Good Standing	Domestic	2000-350-C	2000-873	10/27/00
2	Global NAPS South Carolina, Inc. Robert Gaetani - Regulatory Compliance 89 Access Rd, Ste B Norwood MA 02062	CT Corp System 75 Beattie Place Two Insignia Financial Plaza Greenville SC 29601	Forfeiture	Foreign	2001-503-C	2002-258	04/10/02
3	Managed Services, Inc. Steve Maginnis - President/CEO 672 Spyglass Way Rock Hill SC 29730	Stephen Maginnis 672 Spyglass Way Rock Hill SC 29730	Good Standing	Foreign	2006-154-C	2006-602	10/13/06
4	New Century Telecom, Inc. Karyn Bartel - President 700 Hembree Place, Suite A Roswell GA 30076	Corporation Service Co 5000 Thurmond Mall Blvd Columbia SC 29201	Forfeiture	Foreign	1997-474-C	1998-359	05/19/98
5	Sterling Telecom, Inc. William Honor - General Mgr 242 Beverly Rd Huntington Station NY 11746	Address for Service 242 Beverly Rd Huntington Station NY 11746	Dissolved	Foreign	2007-405-C	2008-146	03/06/08
6	Telmex USA, LLC Bobbi Ferguson - Consultant c/o Visi Consulting Services, LLC 1130 University Blvd, Ste B9, #253 Tuscaloosa AL 35401-0328	Corporation Service Co 1703 Laurel Street Columbia SC 29201	Good Standing	Foreign	2005-365-C	2006-435	07/26/06
7	Uni-Tel Communications Group, Inc. Bob Blumberg - Regulatory Contact 55 South Main Street Suite #304 Naperville IL 60540	National Registered Agents, Inc. 2 Office Park Court, Suite 103 Columbia SC 29223	Good Standing	Foreign	2000-403-C	2001-299	04/05/01
8	West Communications, Inc. William Brent Saxon - Regulatory Affairs 210 E. Main St. Walhalla, SC 29691	Clare Davis 900 South Irby Street Florence SC 29501	Good Standing	Domestic	2003-336-C	2004-102	03/12/04

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**OF SOUTH CAROLINA**  
**DOCKET NO. 2009 - \_\_\_\_ - C**

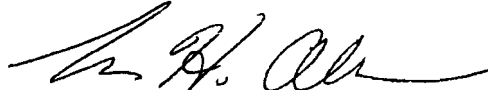
IN RE: Petition of the Office of Regulatory Staff for )  
Commission to Order a Rule to Show Cause )  
as to Why The Certificates of Public )  
Convenience and Necessity for Certain )  
Providers of Telecommunications Services )  
Should Not be Revoked )

AFFIDAVIT OF  
THOMAS H. ALLEN

The Affiant, after having been first duly sworn, deposes and states as follows:


- 1) My name is Thomas Allen and I am employed by the Office of Regulatory Staff ("ORS") as the Tariff Administrator.
- 2) My office is located at 1401 Main Street, Columbia, South Carolina, 29201
- 3) I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Exhibit A of this petition.
- 4) I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit A are accurate.

AND FURTHER THE AFFIANT SAYETH NOT.



**THOMAS H. ALLEN**  
**Tariff Administrator**  
**Office of Regulatory Staff**

Sworn and subscribed before me  
this 21<sup>st</sup> day of October, 2009



Notary Public for South Carolina Pamela J. McMillan  
My Commission Expires: May 3rd 2017

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**

**DOCKET NO. 2009-\_\_\_\_-C**

IN RE:	)	
Petition of the Office of Regulatory Staff for	)	<b>CERTIFICATE OF</b>
Commission to Order a Rule to Show Cause as to	)	<b>SERVICE</b>
Why The Certificates of Public Convenience	)	
And Necessaity for Certain Providers of	)	
Telecommunications Services should Not Be	)	
Revoked	)	

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION FOR RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Managed Services, Inc. c/o Stephen Maginnis 672 Spyglass Way Rock Hill SC 29730	Sterling Telecom, Inc. 242 Beverly Rd Huntington Station NY 11746
Global NAPS South Carolina, Inc. c/o CT Corp System 75 Beattie Place Two Insignia Financial Plaza Greenville SC 29601	Telmex USA, LLC c/o Corporation Service Co 1703 Laurel Street Columbia SC 29201
Genesis Telecommunications Company, LLC c/o John Lawrence 1117 Reynolds Ave Greenwood SC 29646	Uni-Tel Communications Group, Inc. c/o National Registered Agents, Inc. 2 Office Park Court, Suite 103 Columbia SC 29223
New Century Telecom, Inc. c/o Corporation Service Co 5000 Thurmond Mall Blvd Columbia SC 29201	West Communications, Inc. c/o Clare Davis 900 South Irby Street Florence SC 29501

  
Chrystal L. Morgan

October 21, 2009  
Columbia, South Carolina